IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 8072 of 1997

Dated 24th October, 2006

Between

Smt.S.Afroz Begum

....Petitioner

and

The District Registrar of Assurances,
Registration and Stamps Department, Anantapur and anr.

....Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8072 of 1997

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the second respondent in not registering the sale deed dated 17-10-1996, which is numbered as No.152/96, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that, on the ground of under valuation, the sub-registrar has no authority to refuse the document to be registered.

In the counter affidavit filed on behalf of the respondents, it is

stated, that in the document presented by the petitioner, he did not value the property as per the market value guidelines (Basic Register Value) and as such, the said document was kept pending and reference was made to the District Registrar as contemplated under Section 47-A of the Indian Stamp Act. It is further stated in the counter affidavit that on such reference, the District Registrar adjudicated the matter and passed order in proceedings No.1045-MV/2002, dated 9-1-2003, wherein the market value of the land in the document was fixed at Rs.110/- per square yard.

If the document presented for registration is not in conformity with the provisions of law of registration, it is within the power of second respondent to keep the same pending for registration and refer the same to the District Registrar as contemplated under Section 47-A of the Indian Stamp Act. If the petitioner is aggrieved, he can very well file an appeal against the order dated 9-1-2003, but at the same time, he cannot seek the relief as prayed in this Writ Petition, at this stage.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-10-2006.
Msnr.

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